

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR
September 24, 2009 4:27 PM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: EC /

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-68

v.

Hon. Janet T. Neff

RAMI IKBAL SABA and
RAOGO OUEDRAOGO,

Defendants.

THIRD
SUPERSEDING
INDICTMENT

_____/

The Grand Jury charges:

INTRODUCTION

1. On or about September 12, 2007, Donald L. Dietz, a retired Amway Corporation/Alticor employee, who lived alone in Saranac, Michigan, disappeared. Attempts by family members to locate or contact him have been unsuccessful. Moreover, an extensive investigation by the Michigan State Police and the United States Secret Service to locate Mr. Dietz has also been unsuccessful.

2. The last confirmed contact with Donald L. Dietz occurred on September 10, 2007, at approximately 7:30 p.m., when a friend of Mr. Dietz spoke to him by telephone. According to telephone records, the last outgoing telephone call from Mr. Dietz' home telephone was made September 11, 2007, at 2:25 p.m. to Bank First in Sioux Falls, South Dakota; the next incoming call to Mr. Dietz' home telephone came at 12:26 p.m. on September 12, 2007, which went unanswered, and all subsequent incoming calls also went unanswered.

3. At the time of his disappearance, Mr. Dietz held active accounts at the following financial institutions: (a) Lake Michigan Credit Union, Grand Rapids, Michigan, with a balance as of September 11, 2007, of \$443,606.40; and (b) Capital One Bank, Glen Allen, Virginia, two accounts which had a combined balance as of September 11, 2007, of \$11,472.41.

4. Approximately one week before his disappearance, Mr. Dietz reported to his barber that he was fearful for his life due to contact with an individual who was attempting to have him advance a sum of money to this individual. Mr. Dietz also told his barber that he was having second thoughts regarding an investment scheme this individual had proposed, and that this individual was pressuring him to proceed with the investment.

5. Defendant **RAMI IKBAL SABA** is a Lebanese national who holds a Permanent Resident Alien status due to his marriage to a United States citizen. During times relevant to the charges in this Indictment, he lived in Lowell, Michigan.

6. Defendant **SABA**, while employed by Banker's Life and Casualty, made contact with Donald L. Dietz, a prospective client, and obtained information regarding Mr. Dietz' assets.

7. Thereafter, Defendant **SABA** became employed by New York Life Insurance Company as a "Financial Services Professional." He continued to maintain contact with Donald L. Dietz, visiting him at Mr. Dietz' home in Saranac, Michigan, on at least two occasions in an effort to convince Mr. Dietz to invest his money with New York Life.

8. During 2007, Defendant **SABA's** financial situation deteriorated significantly. While failing to meet performance quotas with New York Life, his debt increased substantially. At the time of Donald L. Dietz' disappearance, Defendant **SABA's** credit card debt had risen to a level he could not repay at his income level, and he had fallen behind in his mortgage payments.

9. On or about September 20, 2007, the Lake Michigan Credit Union received a typed letter, postmarked September 19, 2007, bearing the forged signature of Donald L. Dietz. The letter directed the credit union to close Mr. Dietz' account and to transfer the entire balance to the Blom Bank in Lebanon, specifying an account number for an account held by Defendant **SABA's** father. The letter accurately noted the exact balance of the account, \$443,606.40, which included a transaction that had posted on September 11, 2007. The letter included personal information of Donald L. Dietz, including his name, his social security number, his birth date, his driver's license number, his telephone number, his address, his mother's maiden name, and his credit union account number.

10. Due to the unusual nature of the request in the September 19, 2007, letter, the Lake Michigan Credit Union attempted, unsuccessfully, to contact Donald L. Dietz to verify the request. When unable to contact Donald L. Dietz, the credit union contacted a listed beneficiary, his brother Gene Dietz. As a result of this contact, the Dietz family began their unsuccessful search for Donald L. Dietz.

11. Defendant **RAOGO OUEDRAOGO** is a citizen of the African country Burkina Faso. During times relevant to the charges in this Indictment, he lived in Philadelphia, Pennsylvania. Like Defendant **SABA**, Defendant **OUEDRAOGO** was experiencing significant stress during 2007 as a result of his poor financial situation.

12. Defendant **SABA** maintained contact with Defendant **OUEDRAOGO** by cellular telephone. Defendant **SABA** used two telephone numbers to contact Defendant **OUEDRAOGO**: one number was (616) 719-9666, which was issued to Defendant **SABA** by AT&T, but the "Sim" card for which Defendant **SABA** had given to Defendant **OUEDRAOGO**;

the other was (347) 247-1142, which was a number issued to Defendant **OUEDRAOGO**. A “Sim” card contains the telephonic information and program that enables a cellular telephone to make and receive telephone calls, and it establishes the telephone number by which a given cellular telephone is contacted and identified. Telephone records establish that Defendant **SABA** consulted with Defendant **OUEDRAOGO** shortly before and after most of his contacts with the various financial institutions during the scheme to defraud those institutions.

13. Each of the allegations in the above-listed paragraphs is hereby incorporated specifically and by reference into each of the following counts of this Indictment, as if re-alleged and restated therein.

COUNT 1

(Conspiracy to Commit Financial Institution Fraud)

From in or about January 2007, through in or about December 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

did combine, conspire, confederate and agree with each other, to knowingly execute, and attempt to execute, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of the following federally insured financial institutions: Bank of America, as successor in interest to the Michigan National Bank; the Lake Michigan Credit Union; Capital One Bank; Washington Mutual Bank; and the Michigan State University Credit Union.

Object of the Conspiracy

The principal object of the conspiracy was to kidnap and incapacitate their victim, Donald L. Dietz, coerce him into transferring his money to an account under the control of one or more of the defendants, assume his identity, and to illegally obtain money and funds from various financial institutions using the identity of Donald L. Dietz. Among the money and funds the co-conspirators attempted to illegally obtain were those belonging to Donald L. Dietz, \$443,606.40 of which was then on deposit with the Lake Michigan Credit Union in Grand Rapids, Michigan, and \$11,472.41 of which was then on deposit with the Capital One Bank in Glen Allen, Virginia.

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, at least one defendant committed, among others, at least one of the following Overt Acts.

1. In mid-January 2007, Defendant **RAMI IKBAL SABA** drove his vehicle to Philadelphia, Pennsylvania, to meet with Defendant **RAOGO OUEDRAOGO**. Defendant **SABA** flew to Philadelphia, Pennsylvania, on February 23, 2007, to meet with Defendant **OUEDRAOGO**, returning to Grand Rapids, Michigan, on February 24, 2007.

2. On February 26, 2007, Defendant **SABA** purchased an airline ticket for Defendant **OUEDRAOGO**, who used that airline ticket on March 25, 2007, to fly from Philadelphia, Pennsylvania, to Grand Rapids, Michigan, returning to Philadelphia, Pennsylvania, on March 27, 2007.

3. On May 9, 2007, Defendant **SABA** traveled to Thomas Jefferson University, Defendant **OUEDRAOGO**'s employer, by flying to Philadelphia, Pennsylvania, and met with Defendant **OUEDRAOGO**, returning to Michigan on May 11, 2007.

4. On July 16, 2007, Defendant **SABA** ordered, through the Internet, two cans of pepper spray from Self Defense Technologies in Fort Worth, Texas. Approximately one hour prior to placing this order, Defendant **OUEDRAOGO** contacted Defendant **SABA** by telephone.

5. On July 22, 2007, Defendant **OUEDRAOGO** traveled from Philadelphia, Pennsylvania, to Grand Rapids, Michigan. Defendant **OUEDRAOGO** stayed with Defendant **SABA** at his Lowell, Michigan, home until August 1, 2007. Defendant **OUEDRAOGO** left his wife and children in Philadelphia, Pennsylvania, withdrawing \$1,000.00 in cash prior to his travel.

6. On August 12, 2007, despite serious financial difficulties and mounting debt, Defendant **SABA** purchased an airline ticket for Defendant **OUEDRAOGO** to travel to Grand Rapids, Michigan. Defendant **OUEDRAOGO** arrived in Grand Rapids, Michigan, on August 15, 2007, and returned to Philadelphia, Pennsylvania, on August 16, 2007.

7. On August 17, 2007, Defendant **SABA**'s computer was used to order, through the Internet using Defendant **SABA**'s Yahoo account, a "stun gun" from Stun Gun Supply in Lebanon, Pennsylvania. The "stun gun" was sent to an intermediary in Ohio, due to the fact that it is illegal to ship such items to Michigan, who on or about August 24, 2007, forwarded it to Defendant **SABA**'s address.

8. On September 9, 2007, at least five telephone calls were placed between Defendant **SABA** and Defendant **OUEDRAOGO**.

9. On September 10, 2007, Defendant **OUEDRAOGO** purchased an airline ticket to fly to Grand Rapids, Michigan, with a departure date of September 11, 2007. At least six telephone calls were placed between the defendants on September 10, 2007. Also, on September 10, 2007, Defendant **SABA** placed a call to the Blom Bank, headquartered in Beirut, Lebanon, at approximately 9:27 a.m.

10. Defendant **OUEDRAOGO** arrived at the Grand Rapids, Michigan, airport on September 11, 2007, at 11:23 p.m. At least six telephone calls were placed between the defendants on this date.

11. On September 12, 2007, Defendant **SABA** placed two telephone calls to the Blom Bank, headquartered in Beirut, Lebanon, at approximately 7:20 a.m. At 9:02 a.m., Defendant **SABA** called Defendant **OUEDRAOGO**. At 9:19 a.m., Defendant **SABA** was stopped by a

Kent County Sheriff's Deputy while driving his 2003 Honda Civic on 28th Street and Kraft. The Deputy Sheriff conducted the traffic stop due to the fact that Defendant **SABA's** license plate was not displayed on the outside of his vehicle. Defendant **SABA** lied to the Deputy Sheriff regarding the ownership of the vehicle, falsely claiming that he had just purchased it, when in fact the vehicle had been insured and registered under Defendant **SABA's** wife's maiden name since 2003. Defendant **SABA** later admitted to having the pepper spray he ordered on July 16, 2007, in the glove compartment of the car at the time of the traffic stop. Immediately after the traffic stop was concluded, Defendant **SABA** again called Defendant **OUEDRAOGO**.

12. During the period of 11:23 p.m. on September 11, 2007, to approximately 5:00 p.m. on September 13, 2007, Defendants **SABA** and **OUEDRAOGO** made at least one trip to the home of Donald L. Dietz in Saranac, Michigan, whereupon they seized and held him, using one or more of the cans of pepper spray and the stun gun, and some time later, killed him.

13. Defendant **OUEDRAOGO's** return flight to Philadelphia, Pennsylvania, departed on September 13, 2007, at approximately 5:00 p.m.

14. During the summer of 2007, Defendant **SABA** provided Defendant **OUEDRAOGO** with a "Sim" card related to telephone number (616) 719-9666, which was issued to Defendant **SABA** by AT&T, despite the fact that Defendant **OUEDRAOGO** had his own operable cellular telephone. The use of this "Sim" card was intended to facilitate communication between the defendants during their attempts to defraud financial institutions while impersonating Donald L. Dietz. Defendant **OUEDRAOGO** first used this means of communication on September 15, 2007, following his return to Philadelphia, when he received a six-minute telephone call from Defendant **SABA**.

15. On September 17, 2007, Defendant **SABA** deposited into his account at Michigan State University Credit Union a check, number 102, in the amount of \$2,700.00, dated September 17, 2007, payable to Donald L. Dietz and endorsed "Donald L. Dietz." Defendant **SABA** made the deposit knowing that Donald L. Dietz neither signed nor authorized the issuance of this check. This check was drawn against Donald L. Dietz' old account at Michigan National Bank, the same bank that had been acquired by Bank of America, which account was no longer active. At least four telephone calls were placed between Defendants **SABA** and **OUEDRAOGO** on that date.

16. On September 18, 2007, Defendant **SABA** purchased a Tracfone from Staples on 28th Street in Grand Rapids, Michigan. The very first telephone call he made thereafter, using his personal cell phone ((616) 560-4544), was to Defendant **OUEDRAOGO**, which call lasted approximately eighteen minutes. At least ten telephone calls were placed between Defendants **SABA** and **OUEDRAOGO** on that date.

17. On September 19, 2007, at 12:07 p.m., Defendant **SABA** contacted Defendant **OUEDRAOGO** via the "Sim" card ((616) 719-9666) that he had provided to him. Thirteen minutes later, Defendant **SABA** placed a five-minute telephone call to the Lake Michigan Credit Union, using the Tracfone. Two minutes after completing that call, Defendant **SABA** again contacted Defendant **OUEDRAOGO** via the "Sim" card ((616) 719-9666). No less than four additional telephone calls were placed between the defendants on that date.

18. On September 19, 2007, Defendant **SABA** sent, or caused to be sent, a typed letter through the United States mail to the Lake Michigan Credit Union bearing a forgery of Donald L. Dietz' signature, in which it was requested that Donald L. Dietz' entire account be closed and the

funds, \$443,606.40, be sent to the Blom Bank, a foreign financial institution headquartered in Beirut, Lebanon. The letter accurately noted the exact balance of the account as of that date, which included a transaction that posted on September 11, 2007. The letter included personal information of Donald L. Dietz, including his credit union account number, his social security number, his address, his date of birth, his Michigan driver's license number, his telephone number, and his mother's maiden name; information that was later found on Defendant **SABA**'s home computer.

19. On September 21, 2007, Defendant **SABA** placed a cellular telephone call, using the Tracfone, to Capital One Bank in which he claimed to be Donald L. Dietz and requested that Donald L. Dietz' two Capital One Bank accounts be closed. Capital One Bank thereafter sent two checks totaling \$11,472.41 to Donald L. Dietz' last-known address. Two minutes after completing the telephone call to Capital One Bank, Defendant **SABA** contacted Defendant **OUEDRAOGO** via the "Sim" card ((616) 719-9666). At least six telephone calls were placed between the defendants on that date. Also, on September 21, 2007, Defendant **SABA** placed two cellular telephone calls to the Lake Michigan Credit Union using the Tracfone.

20. On September 22, 2007, Defendant **SABA** placed six cellular telephone calls to the Lake Michigan Credit Union, using the Tracfone. During one of these telephone calls, and while impersonating Donald L. Dietz, he told a credit union employee that he was closing his account because he was "moving out of the country." No less than six telephone calls were placed between Defendants **SABA** and **OUEDRAOGO** on that date, including telephone calls that took place both before and after Defendant **SABA**'s telephone calls to the Lake Michigan Credit Union.

21. On September 24, 2007, Defendant **SABA** placed four cellular telephone calls to the Lake Michigan Credit Union, using the Tracfone. During one of these telephone calls, and while impersonating Donald L. Dietz, he told a credit union employee that he was in Massachusetts, and that he needed some of the funds in Mr. Dietz' account wired immediately because, otherwise, he was going to lose a "land deal." The credit union employee advised that she did not believe him to be Donald L. Dietz, and that, if he wanted the money, he would need to provide the credit union with a notarized letter. A copy of a forged "notarized" letter was later found on Defendant **SABA**'s home computer. No less than five telephone calls were placed between Defendants **SABA** and **OUEDRAOGO** on that date, including telephone calls that took place both shortly before and after the last three of Defendant **SABA**'s telephone calls to the Lake Michigan Credit Union.

22. On September 25, 2007, Defendant **SABA** placed a cellular telephone call to Capital One Bank, using the Tracfone. During this telephone call, and while impersonating Donald L. Dietz, he requested that the \$11,472.41 from Mr. Dietz' account be sent to an address different than Donald L. Dietz' last-known address. Capital One Bank advised Defendant **SABA** that it could not comply with that request, as the account had already been closed and the checks sent pursuant to the September 21, 2007, request. No less than five telephone calls were placed between Defendants **SABA** and **OUEDRAOGO** on that date, including telephone calls that took place both shortly before and after Defendant **SABA**'s telephone call to Capital One Bank.

23. On September 26, 2007, Defendant **SABA** placed a cellular telephone call to Bank of America, using the Tracfone. During this telephone call, and while impersonating

Donald L. Dietz, he opened a credit card account in the name of Donald L. Dietz with a credit limit of \$9,800.00.

24. Also on September 26, 2007, Defendant **SABA** placed a cellular telephone call to Washington Mutual Bank, using the Tracfone. During this telephone call, and while impersonating Donald L. Dietz, he opened a checking account in the name of Donald L. Dietz. On this date, no less than thirteen telephone calls were placed between Defendants **SABA** and **OUEDRAOGO**, including telephone calls that took place both before and after Defendant **SABA**'s telephone call to Washington Mutual.

25. On September 27, 2007, Defendant **SABA** purchased a money order from the Ada, Michigan, post office in the amount of \$10.00. Defendant **SABA** placed the money order in the United States mail to the Washington Mutual Bank, which money order was later deposited into the account under the name Donald L. Dietz.

26. On September 30, 2007, Defendant **SABA** placed a cellular telephone call to Gene Dietz, brother of Donald L. Dietz, using the Tracfone. During this sixteen-minute telephone call, he impersonated Donald L. Dietz, and he requested Gene Dietz' assistance in obtaining the "release" of Donald L. Dietz' account at Lake Michigan Credit Union. Gene Dietz noted the caller's foreign accent, and he confronted the caller with the fact that he did not sound like Donald L. Dietz. When Gene Dietz asked the caller to provide the middle name of Mr. Dietz' mother, the caller abruptly hung up. The Tracfone was never used again. Approximately twenty minutes after terminating the telephone call with Gene Dietz, Defendant **SABA** placed a twelve-minute telephone call, using his personal cell phone, to Defendant **OUEDRAOGO**.

Defendant **OUEDRAOGO** placed at least two additional telephone calls to Defendant **SABA** later that same date.

27. On October 1, 2007, Defendant **SABA** deposited into his own account at Michigan State University Credit Union a check, number 103, dated September 16, 2007, in the amount of \$9,300.00, payable to Donald L. Dietz and endorsed "Donald L. Dietz," drawn against the old Michigan National Bank account of Donald L. Dietz and which was erroneously paid from the Bank of America credit card account Defendant **SABA** established on September 26, 2007, as described in Paragraph 22, above.

28. On October 2, 2007, the Michigan State University Credit Union contacted Defendant **SABA** by telephone and advised him that the two Donald L. Dietz checks in the amounts of \$2,700.00 and \$9,300.00, respectively, were not going to be honored, as they were drawn on a closed account. Within minutes of receiving this news, Defendant **SABA** placed two telephone calls to Defendant **OUEDRAOGO**. Defendant **OUEDRAOGO** returned his telephone calls approximately 45 minutes later.

18 U.S.C. § 1349
18 U.S.C. § 1344(2)
18 U.S.C. § 20

The allegations of Count One of this Indictment are incorporated specifically and by reference in each of the following counts of this Indictment, as if re-alleged and restated therein.

COUNT 2
(Attempted Financial Institution Fraud)

From on or about September 17, 2007, through on or about October 1, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

RAMI IKBAL SABA
and
RAOGO OUEDRAOGO

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Bank of America, as successor in interest to the Michigan National Bank, a federally insured financial institution.

18 U.S.C. § 1344(2)
18 U.S.C. § 20
18 U.S.C. § 2

COUNT 3
(Aggravated Identity Theft)

From on or about September 17, 2007, through on or about October 1, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

RAMI IKBAL SABA
and
RAOGO OUEDRAOGO

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Two.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2

COUNT 4

(Attempted Financial Institution Fraud)

From on or about September 19, 2007, through on or about October 3, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Lake Michigan Credit Union, a federally insured financial institution.

18 U.S.C. § 1344(2)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 5

(Aggravated Identity Theft)

From on or about September 19, 2007, through on or about October 3, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Four.

**18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2**

COUNT 6

(Attempted Financial Institution Fraud)

From on or about September 21, 2007, through on or about September 25, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, Capital One Bank, a federally insured financial institution.

18 U.S.C. § 1344(2)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 7
(Aggravated Identity Theft)

From on or about September 21, 2007, through on or about September 25, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Six.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2

COUNT 8

(Attempted Financial Institution Fraud)

From on or about September 26, 2007, through on or about October 4, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly executed, attempted to execute, and aided and abetted each other in the execution of, a scheme and artifice to obtain, by means of false and fraudulent pretenses and representations, money and funds owned by, or under the custody and control of, the Washington Mutual Bank, a federally insured financial institution.

18 U.S.C. § 1344(1)

18 U.S.C. § 20

18 U.S.C. § 2

COUNT 9
(Aggravated Identity Theft)

From on or about September 26, 2007, through on or about October 4, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

knowingly used without lawful authority, and aided and abetted each other in the use without lawful authority of, a means of identification of Donald L. Dietz, to wit: his name, his social security number, his date of birth, and his Michigan driver's license number, during and in relation to financial institution fraud and attempted financial institution fraud, a felony, as charged in Count Eight.

18 U.S.C. § 1028A(a)(1)
18 U.S.C. § 1028A(b)
18 U.S.C. § 1028A(c)(5)
18 U.S.C. § 1028(d)(7)(A)
18 U.S.C. § 1344
18 U.S.C. § 2

COUNT 10

(Conspiracy to Commit Interstate Murder-for-Hire)

From in or about January 2007, through on or about September 13, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

did combine, conspire, confederate, and agree with each other, to travel in and cause someone else to travel in interstate commerce with the intent that the murder of Donald L. Dietz be committed in violation of the laws of the state of Michigan as consideration for the receipt of, and as consideration for a promise or agreement to pay, anything of pecuniary value which resulted in the death of Donald L. Dietz.

Object of the Conspiracy

The principal object of the conspiracy was to murder Donald L. Dietz, the intended victim of the defendants' conspiracy to commit financial institution fraud, as charged in Count 1 of this Indictment, in order to prevent Mr. Dietz from attempting to frustrate that scheme or to disclose it to law enforcement.

Overt Acts

In furtherance of this conspiracy and to effect the objects thereof, at least one of the defendants committed at least one, among others, of the Overt Acts charged in Count One of this Indictment.

18 U.S.C. § 1958(a)

COUNT 11

(Conspiracy to Commit Kidnapping)

From in or about July 2007, through on or about September 13, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

**RAMI IKBAL SABA
and
RAOGO OUEDRAOGO**

did combine, conspire, confederate, and agree with each other, to unlawfully kidnap, abduct, seize, and confine Donald L. Dietz, and that, in furtherance of this conspiracy, the defendants did travel in interstate commerce between Philadelphia, Pennsylvania, and Grand Rapids, Michigan, and they did willfully use instrumentalities of interstate commerce (i.e., cellular telephones).

Object of the Conspiracy

The principal object of the conspiracy was to hold Donald L. Dietz for ransom and to coerce his cooperation in providing information and assistance in obtaining the funds Mr. Dietz had on account at various financial institutions, including \$443,606.40 that was then on deposit with the Lake Michigan Credit Union in Grand Rapids, Michigan, and \$11,472.41 that was then on deposit with the Capital One Bank in Glen Allen, Virginia.

Overt Acts

In furtherance of this conspiracy and to effect the objects thereof, at least one of the defendants committed at least one, among others, of the Overt Acts charged in Count One of this Indictment.

18 U.S.C. § 1201(c)

COUNT 12
(Kidnapping Resulting in Death)

From on or about September 12, 2007, through on or about September 13, 2007, in the Southern Division of the Western District of Michigan, and elsewhere,

RAMI IKBAL SABA
and
RAOGO OUEDRAOGO

did unlawfully kidnap, abduct, seize, and confine Donald L. Dietz, and hold him for ransom and to coerce his cooperation in providing information and assistance in obtaining the funds Mr. Dietz had on account at various financial institutions, including \$443,606.40 that was then on deposit with the Lake Michigan Credit Union in Grand Rapids, Michigan, and \$11,472.41 that was then on deposit with the Capital One Bank in Glen Allen, Virginia. Both defendants did willfully use instrumentalities of interstate commerce (i.e., cellular telephones) in committing and in furtherance of the offense, and Defendant **OUEDRAOGO** did travel in interstate commerce from Philadelphia, Pennsylvania, to Grand Rapids, Michigan, in committing and in furtherance of the offense. The kidnapping, abduction, seizure, and confinement of Donald L. Dietz resulted in his death.

18 U.S.C. § 1201(a)(1)

18 U.S.C. § 2

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT RAMI IKBAL SABA

The Grand Jury repeats and re-alleges the allegations in Counts 10 and 12 of the Indictment, and as to Counts 10 and 12 further finds the following with respect to Defendant **RAMI IKBAL SABA**:

1. He was 18 years of age or older at the time of the offenses (18 U.S.C. § 3591(a));
2. He intentionally killed Donald L. Dietz (18 U.S.C. § 3591(a)(2)(A));
3. He intentionally inflicted serious bodily injury that resulted in the death of Donald L. Dietz (18 U.S.C. § 3591(a)(2)(B));
4. He intentionally participated in an act, contemplating that the life of Donald L. Dietz would be taken or intending that lethal force would be used in connection with Donald A. Dietz, and that Donald L. Dietz died as a direct result of such act (18 U.S.C. § 3591(a)(2)(C));
5. He intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Donald L. Dietz, such that participation in such act constituted a reckless disregard for human life, and that Donald L. Dietz died as a direct result of such act (18 U.S.C. § 3591(a)(2)(D));
6. He committed and attempted to commit another offense, that is, kidnapping, in violation of Title 18, United States Code, Section 1201 during the commission of which the death of Donald L. Dietz occurred (18 U.S.C. § 3592(c)(1));
7. He procured the commission of the offenses by payment or promise of payment of something of pecuniary value (18 U.S.C. § 3592(c)(7));

8. He committed the offenses as consideration for the receipt, or in the expectation of the receipt, of a thing of pecuniary value (18 U.S.C. § 3592(c)(8)); and
9. He committed the offenses after substantial planning and premeditation to cause the death of Donald L. Dietz (18 U.S.C. § 3592(c)(9)).

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT RAOGO OUEDRAOGO


The Grand Jury repeats and re-alleges the allegations in Counts 10 and 12 of the Indictment, and as to Counts 10 and 12 further finds the following with respect to Defendant **RAOGO OUEDRAOGO**:

1. He was 18 years of age or older at the time of the offenses (18 U.S.C. § 3591(a));
2. He intentionally killed Donald L. Dietz (18 U.S.C. § 3591(a)(2)(A));
3. He intentionally inflicted serious bodily injury that resulted in the death of Donald L. Dietz (18 U.S.C. § 3591(a)(2)(B));
4. He intentionally participated in an act, contemplating that the life of Donald L. Dietz would be taken or intending that lethal force would be used in connection with Donald A. Dietz, and that Donald L. Dietz died as a direct result of such act (18 U.S.C. § 3591(a)(2)(C));
5. He intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Donald L. Dietz, such that participation in such act constituted a reckless disregard for human life, and that Donald L. Dietz died as a direct result of such act (18 U.S.C. § 3591(a)(2)(D));
6. He committed and attempted to commit another offense, that is, kidnapping, in violation of Title 18, United States Code, Section 1201 during the commission of which the death of Donald L. Dietz occurred (18 U.S.C. § 3592(c)(1));
7. He committed the offenses as consideration for the receipt, or in the expectation of the receipt, of a thing of pecuniary value (18 U.S.C. § 3592(c)(8)); and

8. He committed the offenses after substantial planning and premeditation to cause the death of Donald L. Dietz (18 U.S.C. § 3592(c)(9)).

A TRUE BILL


GRAND JURY FOREPERSON


DONALD A. DAVIS
United States Attorney


PHILLIP J. GREEN
Assistant United States Attorney